



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8**

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MAY 02 2011

Ref: 8 EPR-N

Mr. Craig Bobzien, Forest Supervisor
Black Hills National Forest
1019 North 5th St.
Custer, South Dakota 57730

Re: Draft Environmental Impact Statement Section
30 Limestone Mining Project, Black Hills National
Forest, South Dakota: CEQ# 20110077

Dear Mr. Bobzien:

In accordance with our responsibilities under Section 102(2)(C) of the National Environmental Policy Act (NEPA), 42 U.S.C. Section 433(2)(C) and Section 309 of the Clean Air Act, 42 U.S.C. Section 7609, the U.S. Environmental Protection Agency Region 8 (EPA) has reviewed the United States Forest Service's (USFS) Draft Environmental Impact Statement (DEIS) for the Section 30 Limestone Mining Project and offers the following comments for your consideration.

The Black Hills National Forest, Mystic Ranger District proposes to implement mining actions within the Section 30 Limestone Mining Project Area. The property is located west/northwest of Rapid City in Pennington County, South Dakota, and is composed entirely of Black Hills National Forest System lands. Pete Lien and Sons, Inc. (PLS) proposes to develop a 94 acre open pit chemical grade limestone mine with a 25 year life of mine. PLS intends to truck haul the limestone mined at the quarry site to its existing lime plant located approximately one and one-half miles east of the quarry site. The truck hauling and processing activities would occur entirely on private land or on roads that are not part of the USFS jurisdiction. The project is, therefore, a connected action relative to the existing PLS lime plant that is on adjacent private land.

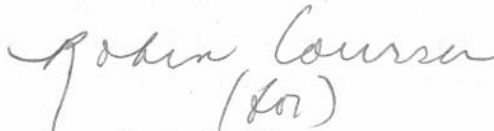
The DEIS includes three Alternatives: no action, Alternative B (the proposed action by PLS) and Alternative C (formulated to address issues raised during the scoping process). EPA rates Alternatives B and C as Environmental Concerns (EC)-2. The EC rating indicates that EPA's review has identified environmental impacts that should be avoided in order to fully protect the environment. The (2) rating indicates that the identified additional information, data, and analyses discussed in our attached comments should be included in the final EIS. A copy of the EIS Rating System Criteria described above is also attached to this letter.

Although we have rated both alternatives EC-2, Alternative C, which responds to environmental and tribal issues raised during scoping, has incorporated important mitigation action that significantly diminishes the impacts of Alternative B. EPA recommends that Alternative C, including specified mitigation measures, design criteria and monitoring, be selected as the preferred alternative for implementation.

Further, for the purposes of disclosure, EPA believes that the final EIS should include the Erosion Control Plan and the 2007 Memorandum of Agreement (MOA) signed by the South Dakota State Historic Preservation Officer, PLS, Black Hills National Forest, the Northern Arapaho Tribe, and the Rosebud Sioux Tribe. This MOA consists of 14 stipulations that address mitigation measures with respect to the five eligible historic properties and the one site of American Indian religious value and significance. It is not clear whether these stipulations for mitigation are already addressed in the mitigation plan. We also submit the enclosed detailed comments for both alternatives for your consideration.

We appreciate the opportunity to review and comment on this DEIS. If you have any questions regarding these comments, please feel free to call me at (303) 312-6004. You may also contact Robin Coursen, of my staff, at (303) 312-6695.

Sincerely,

Handwritten signature of Robin Coursen in cursive script, with the word "(for)" written below it.

Larry Svoboda, Director
NEPA Compliance and Review Program
Office of Ecosystems Protection and Remediation

Enclosure

Cc:

Robert J. Thompson, District Ranger
8221 South Highway 16
Rapid City, South Dakota 57702

Brad Schultz
PMB 2020
SD DENR
Joe Foss Building
523 E Capitol
Pierre, SD 57501

Section 30 Limestone Mining Project DEIS

EPA Comments

General:

EPA has reviewed the two action alternatives, Alternative B and Alternative C. As described on page B-11, Alternative C clearly incorporates significant design criteria, mitigation measures and monitoring procedures that further minimize resource impacts compared to Alternative B. Specifically, these changes will minimize road dust on the gravel roads, improve short term stabilization and long term reclamation, monitor the establishment of vegetative stabilization, and improve overall visual disturbances (including burial of power lines and improved vegetative reclamation). Further, this alternative will also significantly reduce noise and dust effects on the nearby Hidden Valley subdivision for the first 10 years simply by beginning quarry operations furthest from this subdivision. This alternative also limits the amount of disturbed un-reclaimed land to 12-25 acres, compared to 60 acres for Alternative B, thereby reducing visual effects on this subdivision as well.

EPA recommends that Alternative C, including specified mitigation measures, design criteria and monitoring, be selected as the preferred alternative for implementation.

Environmental Justice (EJ) and Social/Economic:

Executive Order 12898 requires that federal agencies identify and address EJ issues to the greatest extent practicable in their programs, policies and actions. There is little discussion of the surrounding community's racial/ethnic make-up, how the community is defined, and whether there is an EJ community in the proposed action area. This should be discussed in the final EIS. Since the impacts occur near the proposed project, a more refined analysis could be carried out with regard to the area immediately around the proposed action. As the document reads, there is no way to determine if low-income or minority populations live near the proposed site. The tribal member population should be evaluated to determine whether it would meet the definition of an EJ community in this project area.

According to the DEIS, formal government to government consultation meetings among the South Dakota State Historic Preservation Officer (SDSHPO), PLS, Black Hills National Forest, the Northern Arapaho Tribe, and the Rosebud Sioux Tribe were held between 2002 and 2010. The 2007 Memorandum of Agreement (MOA) that resulted from these consultations was signed by these governments. This MOA consists of 14 stipulations that address mitigation measures with respect to the five eligible historic properties and the one site of American Indian religious value and significance. This MOA and stipulations were not included in the DEIS for public review, therefore, it is not clear whether these stipulations for mitigation are already addressed and incorporated into the Appendix B Design Criteria Mitigation Measures and Monitoring Plan. EPA recommends that the final EIS clearly state the link between the MOA stipulations and the Design Criteria Mitigation Measures and Monitoring Plan. In addition, please explain the

application of these stipulations to the tribes that were not part of the MOA. Were the “use” provisions included for all tribal members or just those who were part of the MOA?

There is no discussion regarding cumulative impacts on the Catholic elementary school and Catholic retreat center. They are located very close to the project area and cumulative noise and dust impacts should be discussed.

Air Comments:

Chapter 3, Air Quality (Page 68), provides a summary of the air quality for the area surrounding the proposed action, but does not include air quality data summaries. The final EIS should include a summary of available air quality data to describe existing conditions. Such data are readily available from the SD Department of Environment and Natural Resources (SD DENR) and/or the EPA AirExplorer site (<http://www.epa.gov/airexplorer/>) and VIEWS site for air quality related values (AQRVs) (<http://views.cira.colostate.edu/web/>). Information regarding current conditions will be an important tool for monitoring the impacts of the various activities contemplated under the proposed action. Decision-makers will need to understand baseline conditions in an effort to ensure that project activities, when combined with air quality impacts from external sources, do not adversely impact the National Ambient Air Quality Standards (NAAQS) or Air Quality Related Values such as visibility in the nearby Class I areas of Wind Cave and Badlands National Parks.

The final EIS should contain an inventory of predicted emissions that would be associated with the mining activities, as well as a discussion of proximity to sensitive receptors such as population centers and Class I and Class II airsheds. If emissions are significant and/or in close proximity to sensitive receptors, then the final EIS also should include an air impact analysis presenting direct, indirect, and cumulative impacts of these activities on sensitive receptors. Such information is necessary for the decision-maker to ensure protection of air quality and visibility. We also recommend that the USFS consult with the SD DENR for any modeling, mitigation, or other measures required under State regulations or the State Implementation Plan to address Clean Air Act requirements.

The proponents’ planned open pit mine is located 4 miles northwest of the center of Rapid City and 1 mile from Rapid City’s town boundary. The Rapid City area has had historical exceedances of the PM10 NAAQS. To mitigate these exceedances, the SD DENR has implemented control measures on facilities near Rapid City. The USFS should contact the SD DENR and refer to the following website for inclusion of applicable mitigation strategies:

<http://denr.sd.gov/des/aq/neap/neapcontrols.aspx>



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